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BILLY J. WILLIAMS
United States Attorney

Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

UNITED STATES OF AMERICA,

Case No.

Plaintiff,

v.

STEPHEN L. CHAPMAN;
JEANNETTE A. FRY; JACKSON COUNTY

**UNITED STATES' COMPLAINT
TO REDUCE TAX ASSESSMENTS
TO JUDGMENT AND TO
FORECLOSE FEDERAL TAX
LIENS**

Defendants.

The United States of America (the "United States"), by and through its undersigned counsel, hereby complains and alleges as follows:

INTRODUCTION

1. This is a civil action brought by the United States to: (1) reduce to judgment the outstanding federal income tax assessments against Defendant Stephen L. Chapman; and (2)

foreclose federal tax liens on certain real property located in Jackson County, Oregon, described more completely below and referred to as the “Subject Property.”

JURISDICTION AND VENUE

2. This action is commenced pursuant to 26 U.S.C. §§ 7401 and 7403 at the direction of the Attorney General of the United States and at the request, and with the authorization of, the Chief Counsel of the Internal Revenue Service (“IRS”), a delegate of the Secretary of the Treasury of the United States.

3. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1340 and 1345, and 26 U.S.C. §§ 7402 and 7403.

4. Venue is proper in the District of Oregon in accordance with 28 U.S.C. §§ 1391(b) and 1396 because Defendant Stephen L. Chapman resides in this judicial district and has filed his tax returns in this judicial district, and because the real property on which the United States seeks to foreclose is located within this judicial district.

5. Because the real property that is the subject of this Complaint is located in Jackson County, pursuant to LR 3-2(a), this action should be assigned to the Medford Division.

DEFENDANTS

6. Defendant Stephen L. Chapman is made a party to this action because he resides within this judicial district, because he has unpaid federal income tax liabilities, and because the United States has tax liens against his property, including the Subject Property.

7. Defendant Jeannette A. Fry is made a party to this action pursuant to 26 U.S.C. § 7403(b) because she may claim an interest in the Subject Property.

8. Defendant Jackson County is made a party to this action pursuant to 26 U.S.C. § 7403(b) because it may claim an interest in the Subject Property.

THE SUBJECT PROPERTY

9. The property sought to be foreclosed in this action is commonly referred to as 2210 Temple Drive, Medford, OR 97504 (“Subject Property”), and legally described as:

Lot 17, Block 6, Northgate Subdivision Unit No. 2, in the City of Medford,
Jackson County, Oregon.
Parcel No. 1-031578-4

10. On or about September 17, 1973, Richard Dale Chapman and Jeannette A. Chapman, husband and wife, acquired interest in the Subject Property from Keith B. Lawton and Aleathea M. Lawton, husband and wife, through a Warranty Deed. The Warranty Deed was recorded with Jackson County, Oregon on September 21, 1973.

11. On or about June 24, 1980, Richard Dale Chapman conveyed his interest in the Subject Property to Jeannette A. Fry, formerly Jeannette A. Chapman, through a Bargain and Sale Deed. The Bargain and Sale Deed was recorded with Jackson County, Oregon on June 27, 1980.

12. On or about September 28, 2007, Jeannette A. Fry conveyed her interest in the Subject Property to Jeannette A. Fry and Stephen L. Chapman, through a Warranty Deed-Survivorship-Statutory Form. The Warranty Deed was recorded with Jackson County, Oregon on September 28, 2007.

**COUNT ONE: REDUCE FEDERAL INCOME TAX ASSESSMENTS AGAINST
DEFENDANT STEPHEN L. CHAPMAN TO JUDGMENT**

13. The United States incorporates and re-alleges as if fully stated herein each of the allegations in Paragraphs 1 through 12, above.

14. A duly authorized delegate of the Secretary of the Treasury made timely assessments against Defendant Stephen L. Chapman for unpaid federal income taxes (Form 1040), penalties, interest, and other statutory additions as follows:

Tax Period	Assessment Date	Assessment Amount and Type of Assessment	Unpaid Balance as of April 29, 2019*
2004	07/27/2009	Additional Tax Assessed \$27,658.00	\$12,665.69
	“	Estimated Tax Penalty \$295.00	
	“	Late Filing Penalty \$6,223.05	
	“	Interest \$11,195.53	
	“	Failure to Pay Tax Penalty \$6,914.50	
	“	Estimated Tax Penalty \$497.56	
	10/17/2016	Interest \$3,029.19	
	10/16/2017	Interest \$961.38	
	03/26/2018	Fees and Collection Costs \$30.00	
	10/15/2018	Interest \$659.99	
2005	07/27/2009	Additional Tax Assessed \$24,472.00	\$19,761.07
	“	Estimated Tax Penalty \$306.00	
	“	Late Filing Penalty \$5,506.20	
	“	Interest \$7,381.27	
	“	Failure to Pay Tax Penalty \$4,894.40	
	“	Estimated Tax Penalty \$675.61	
	04/26/2010	Failure to Pay Tax Penalty \$1,223.60	
	10/17/2016	Interest \$2,132.21	
	10/16/2017	Interest \$716.18	
	10/15/2018	Interest \$849.47	
2006	07/27/2009	Additional Tax Assessed \$23,607.00	\$14,665.67
	“	Estimated Tax Penalty \$332.00	
	“	Late Filing Penalty \$5,311.57	
	“	Interest \$4,419.18	
	“	Failure to Pay Tax Penalty \$3,304.98	
	“	Estimated Tax Penalty \$785.11	
	04/26/2010	Failure to Pay Tax Penalty \$2,006.59	
	04/25/2011	Failure to Pay Tax Penalty \$590.17	
	10/17/2016	Interest \$1,831.43	
	10/16/2017	Interest \$563.73	
	10/15/2018	Interest \$630.43	
2007	05/17/2010	Additional Tax Assessed \$23,946.00	
	“	Estimated Tax Penalty \$282.00	
	“	Late Filing Penalty \$5,387.85	
	“	Interest \$3,006.78	
	“	Failure to Pay Tax Penalty \$3,112.98	
	“	Estimated Tax Penalty \$807.83	
	04/25/2011	Failure to Pay Tax Penalty \$2,514.33	
	04/23/2012	Failure to Pay Tax Penalty \$359.19	

	10/17/2016	Interest	\$1,510.85	
	10/16/2017	Interest	\$507.48	
	10/15/2018	Interest	\$601.93	\$14,002.42
2008	02/20/2012	Tax Assessed	\$6,063.00	
	“	Estimated Tax Penalty	\$194.84	
	“	Late Filing Penalty	\$1,229.17	
	“	Interest	\$760.85	
	“	Failure to Pay Tax Penalty	\$956.02	
	10/17/2016	Interest	\$1,343.83	
	“	Failure to Pay Tax Penalty	\$409.73	
	10/16/2017	Interest	\$421.24	
	10/15/2018	Interest	\$499.65	\$11,623.05
2010	04/23/2012	Tax Assessed	\$2,062.00	
	“	Estimated Tax Penalty	\$28.00	
	“	Late Filing Penalty	\$373.95	
	“	Interest	\$73.19	
	“	Failure to Pay Tax Penalty	\$108.03	
	10/17/2016	Interest	\$337.32	
	“	Failure to Pay Tax Penalty	\$307.47	
	10/16/2017	Interest	\$117.53	
	10/15/2018	Interest	\$139.43	\$3,243.10
2011	05/28/2012	Tax Assessed	\$5,108.00	
	“	Estimated Tax Penalty	\$101.00	
	“	Interest	\$18.03	
	“	Failure to Pay Tax Penalty	\$51.08	
	10/17/2016	Interest	\$775.56	
	“	Failure to Pay Tax Penalty	\$1,225.92	
	10/16/2017	Interest	\$296.07	
	10/15/2018	Interest	\$351.17	\$8,169.12
TOTAL				\$84,130.12

* As of April 29, 2019, and including accrued but unassessed interest as of this date.

15. Timely notice stating the amounts and demanding payments of the assessments set forth in Paragraph 14 above, was given to Defendant Stephen L. Chapman, as required by 26 U.S.C. § 6303 of the Internal Revenue Code.

16. Despite timely notice and demands for payment of the tax assessments described in Paragraph 14 above, Defendant Stephen L. Chapman has neglected or refused to make full

payment of the assessed amounts to the United States.

17. Based on accrued interest and other statutory additions as provided by law, as of April 29, 2019, there remains due and owing from Defendant Stephen L. Chapman the sum of \$84,130.12 for federal income tax for the taxable years 2004 through 2008, and 2010 through 2011. Additional unassessed interest and other statutory additions as provided by law continue to accrue on these balances.

COUNT II: FORECLOSE FEDERAL TAX LIENS ON THE SUBJECT PROPERTY

18. The United States incorporates and re-alleges as if fully stated herein each of the allegations in Paragraphs 1 through 17, above.

19. Pursuant to 26 U.S.C. §§ 6321 and 6322, federal tax liens for unpaid tax liabilities have arisen against and attached to all property and rights to property of Defendant Stephen L. Chapman as of the dates of the assessments described in Paragraph 14 above. In addition, said liens immediately attached to all after-acquired property or rights to property.

20. In accordance with 26 U.S.C. § 6323(f), On December 28, 2010, a Notice of Federal Tax Lien was filed with Jackson County, Oregon, against Defendant Stephen L. Chapman for his unpaid federal income tax liabilities for the taxable years 2004 through 2007.

21. In accordance with 26 U.S.C. § 6323(f), On October 16, 2012, a Notice of Federal Tax Lien was filed with Jackson County, Oregon, against Defendant Stephen L. Chapman for his unpaid federal income tax liabilities for the taxable years 2008 and 2010 through 2011.

22. The United States seeks to foreclose the federal tax liens described above through sale of the Subject Property.

23. The tax liens arising from the assessments described in Paragraph 14 above have priority over all interests in the Subject Property acquired after the attachment of the tax liens,

subject to the provisions of 26 U.S.C. § 6323(a). However, to the extent there is any unpaid amount owed to Jackson County, to which 26 U.S.C. § 6323(b)(6) applies, on the date of the Subject Property's sale, such amount shall have priority over the United States' federal tax liens against the Subject Property.

24. Under 26 U.S.C. § 7403(c) and 28 U.S.C. § 3201, the United States is entitled to enforce its federal tax liens against the Subject Property, which should be sold free and clear of all rights, titles, liens, claims, and interests of the parties to this action, with an appropriate portion of the net proceeds to be distributed to the United States for application toward the unpaid federal tax liabilities of Defendant Stephen L. Chapman in accordance with the law.

WHEREFORE, the Plaintiff, the United States, prays as follows:

A. That this Court determine and adjudge that Defendant Stephen L. Chapman is indebted to the United States for the assessments described in Paragraph 14, above, in the amount of \$84,130.12, as of April 29, 2019, less any subsequent payments or credits, plus interest and other statutory additions, as provided by law, and that judgment in that amount be entered against Defendant Stephen L. Chapman and in favor of the United States;

B. That this Court determine and adjudge that the United States has valid federal tax liens against all property and rights to property of Defendant Stephen L. Chapman, including, but not limited to, his interest in the Subject Property;

C. That the federal tax liens against Defendant Stephen L. Chapman encumbering the Subject Property be foreclosed;

D. That this Court determine the merits and priority of any claims or interests of the other named defendants in the Subject Property and their respective priority to a distribution of proceeds from a sale of the Subject Property;

E. That the Subject Property be sold with the proceeds applied to the delinquent federal income tax liabilities of Defendant Stephen L. Chapman; and

F. That the United States be granted its costs and fees herein, and such other and further relief as this Court deems just and proper.

Respectfully submitted on July 23, 2019.

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General

/s/ Rika Valdman
RIKA VALDMAN
Trial Attorney, Tax Division
U.S. Department of Justice
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Washington, D.C. 20044
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Of Counsel:
BILLY J. WILLIAMS
United States Attorney

Attorneys for the United States of America

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Rika Valdman, (202) 514-6056
U.S. Department of Justice, Tax Division
P.O. Box 683, Ben Franklin Station, Washington, DC 20044

DEFENDANTS

Stephen L. Chapman; Jeannette A. Fry; Jackson County

County of Residence of First Listed Defendant **Jackson**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
26 U.S.C. section 7401, 7403

Brief description of cause:

Reduce to judgment federal tax assessments and foreclose federal tax liens on real property

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 84,130.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

07/23/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Rika Valdman

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
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 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

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Additional information regarding attempted service, etc:

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 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

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 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: